SCOTTISH STATUTORY INSTRUMENTS

No.

NATIONAL HEALTH SERVICE

The National Health Service Superannuation and Pension Schemes (Miscellaneous Amendment) (Scotland) Regulations 2026

Made - - - -	*****
Laid before the Scottish Parliament	*****
Coming into force - -	*9th December 2026*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 10 and 12 and schedule 3 of the Superannuation Act 1972(**a**), sections 1(1) and (2)(e), 2(1), 3(1) to (3) and (4A) of, and paragraph 5(b) of schedule 2, and schedule 3 of, the Public Service Pensions Act 2013(**b**) and all other powers enabling them to do so.

In accordance with section 10(4) of the Superannuation Act 1972, the Scottish Ministers have consulted with such representatives of persons likely to be affected by these Regulations as appear to them to be appropriate.

In accordance with section 22(2)(a) of the Public Service Pensions Act 2013, the Scottish Ministers consulted the representatives of such persons as appeared to them likely to be affected by these Regulations. In accordance with section 22(2)(b) of that Act, the Scottish Ministers laid before the Scottish Parliament a report concerning the changes to members' contribution rates under the NHS Pension Scheme (Scotland) 2015(**c**) made by these Regulations.

In accordance with section 10(1) of the Superannuation Act 1972 and section 3(5) of the Public Service Pensions Act 2013, these Regulations are made with the consent of the Treasury.

(**a**) 1972 c. 11. Section 10 was amended by Part II of schedule 7 of the National Health Service (Scotland) Act 1972 (c. 58), schedule 5 of the National Health Service Reorganisation Act 1973 (c. 32), sections 4(2) and 8(5) and (6) of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7) ("the 1990 Act"), paragraph 7 of schedule 8 of the Pensions Schemes Act 1993 (c. 48), paragraph 10 of schedule 8 of the Public Service Pensions Act 2013 (c. 25) and S.I. 2001/3649. Section 12 was amended by section 10 of the 1990 Act. The functions of the Secretary of State, in or as regards Scotland, were transferred to the Scottish Ministers by virtue of article 2 and schedule 1 of S.I. 1999/1750.

(**b**) 2013 c. 25.

(c) The pension scheme established by S.S.I. 2015/94 is to be known in terms of regulation 2(2) of that instrument as the NHS

Pension Scheme (Scotland) 2015.

PART 1

Introductory

Citation, commencement and effect

1.—(1) These Regulations may be cited as the National Health Service Superannuation and Pension Scheme (Miscellaneous Amendment) (Scotland) Regulations 2026 and come into force on 9 December 2026.

(2) These Regulations have effect from 1 April 2026.

PART 2

Amendment of the National Health Service Superannuation Scheme (Scotland) Regulations 2011

General

2. The National Health Service Superannuation Scheme (Scotland) Regulations 2011(**a**) are amended in accordance with this part.

Amendment of regulation T10

3. In regulation T10(4) (interest on late payment of benefits)—

(a) In the definition of "due date"—

(i) after head (iv) insert—

"(v) in the case of an amount in respect of a return of overpaid contributions, 31 March in the scheme year following the scheme year in respect of which those contributions were overpaid; and",

(ii) head (v) becomes head (vi),

(b) in the definition of "qualifying payment" for "or by way of a refund of contributions" substitute "by way of a refund of contributions, or by way of a return of overpaid contributions".

Amendment of schedule 1

4. In schedule 1 (medical and dental practitioners) in paragraph 14—

(a) in sub-paragraph (28)—

(i) after "those contributions" insert "and interest calculated in accordance with sub-paragraph (28A),

(ii) for the words after "them where" to the end substitute "the scheme manager has notified the member of an intention to do so",

(b) after sub-paragraph (28) insert—

"(28A) The interest on the amount of any unpaid contributions is calculated at the base rate on a day to day basis from 31 March in the scheme year following the scheme year

(**a**) S.S.I. 2011/117.

in respect of which that amount should have been paid to the date of its payment and compounded with three-monthly rests.”.

New paragraph 14A of schedule 1

5. In schedule 1 (medical and dental practitioners) in part IV after paragraph 14 insert—

“**14A.**—(1) This paragraph applies to a practitioner (M) who has been an active member of the scheme, but has ceased to be an active member of the scheme, if during the scheme years 2008-09 to 2021-22 the amount of contributions paid by M was in any of these scheme years less than the amount of contributions payable under paragraph 14.

(2) M must pay to this scheme an amount equal to the difference between the contributions paid to the scheme by M and the contributions payable to the scheme by M (the “underpaid practitioner contributions”), after deduction of any amount (the “contribution deduction”) calculated under sub-paragraph (3) of this paragraph.

(3) The contribution deduction must be calculated on the advice of the Scheme Actuary and must be equal to the amount of tax relief on the underpaid practitioner contributions to which M would have been entitled if the underpaid practitioner contributions had been paid at the time M paid contributions in respect of any of the scheme years referred to in sub-paragraph (1) of this paragraph.

(4) The rate of tax relief which must be applied for the purposes of sub-paragraph (3) is—

(a) where M establishes, with such supporting evidence as the Scottish Ministers may reasonably require, that the rate of tax relief which would have applied to M at the time M paid contributions in respect of any scheme year in respect of which underpaid members’ contributions are due is a higher tax rate, that higher tax rate, or

(b) in any other case, the basic rate of tax that would have applied to M at the time M paid members’ contributions in respect of any scheme year in respect of which underpaid members’ contributions are due.

(5) In order to be entitled to the contribution deduction M must provide a statement to the Scottish Ministers that M will not claim tax relief in respect of the underpaid members’ contributions.”.

PART 3

Amendment of the National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013

General

6. The National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013(**a**) are amended in accordance with this Part.

Amendment of regulation 3.C.5

7. In regulation 3.C.5 (payment of contributions)—

(**a**) S.S.I. 2011/117.

(a) in paragraph (15) after “those contributions” insert “and interest calculated in accordance with paragraph (15A)”,

(b) after paragraph (15) insert—

“(15A) The interest on the amount of any unpaid contributions is calculated at the base rate on a day to day basis from 31 March in the scheme year following the scheme year in respect of which that amount should have been paid to the date of its payment and compounded with three-monthly rests.”,

(c) for paragraph (16) substitute—

“(16) The circumstances described in paragraph (15) are that the scheme manager has notified the member of an intention to make such a deduction.”.

New regulation 3.C.5A

8. After regulation 3.C.5 (payment of contributions) insert—

“Underpaid members’ contributions

3.C.5A.—(1) This regulation applies to a deferred member or a pensioner member (M) who was required to make member contributions under regulation 3.C.1 while they were an active member if during the scheme years 2008-09 to 2021-22 the amount of members’ contributions made by M to this scheme was in any of those scheme years less than the amount of members’ contributions due under this Chapter.

(2) M must pay to this scheme an amount equal to the difference between the member contributions made to the scheme and the member contributions due to the scheme (the “underpaid practitioner contributions”), after deduction of any amount (the “contribution deduction”) calculated under paragraph (3) of this regulation.

(3) The contribution deduction must be calculated on the advice of the Scheme Actuary and must be equal to the amount of tax relief on the underpaid practitioner contributions to which M would have been entitled if the underpaid practitioner contributions had been paid at the time M paid members’ contributions in respect of any of the scheme years referred to in paragraph (1) of this regulation.

(4) The rate of tax relief which must be applied for the purposes of paragraph (3) is—

(a) where M establishes, with such supporting evidence as the Scottish Ministers may reasonably require, that the rate of tax relief which would have applied to M at the time M paid members’ contributions in respect of any scheme year in respect of which underpaid members’ contributions are due is a higher tax rate, that higher tax rate, or

(b) in any other case, the basic rate of tax that would have applied to M at the time M paid members’ contributions in respect of any scheme year in respect of which underpaid members’ contributions are due.

(5) In order to be entitled to the contribution deduction M must provide a statement to the Scottish Ministers that M will not claim tax relief in respect of the underpaid members’ contributions.”.

Amendment of regulation 3.J.10

9. In regulation 3.J.10 (interest on late payment of benefits and refunds of contributions)—

(a) in paragraph (2) for “or refund of contributions” substitute “, refund of contributions or return of overpaid contributions”,

(b) in paragraph (3) after “refund of contributions” insert “, return of overpaid contributions”,

(c) in paragraph (5) after sub-paragraph (f) insert—

“(g) in the case of an amount in respect of a return of overpaid contributions, 31 March in the scheme year following the scheme year in respect of which those contributions were overpaid.”.

PART 4

Amendment of the National Health Service Pension Scheme (Scotland) Regulations 2015

General

10. The National Health Service Pension Scheme (Scotland) Regulations 2015(**a**) are amended in accordance with this Part.

Amendment of regulation 30

11. In regulation 30 (members’ contributions: employees)(**b**)—

(a) in paragraph (3)—

(i) after sub-paragraph (m), insert—

“(n) from 1 April 2026 is the percentage specified in column 2 of Table 14 below in respect of the corresponding pensionable earnings band specified in column 1 into which M’s pensionable earnings fall.”,

(ii) after Table 13 insert—

“Table 14

Column 1 Pensionable earnings band	*Column 2 Contribution percentage rate*
Up to £13,330	5.7%
£13,331 - £27,940	6.4%
£27,941 - £33,062	7.0%
£33,063 - £41,482	8.7%
£41,483 - £43,502	9.8%
£43,503 - £52,879	10.5%
£52,880 - £57,223	11.2%
£57,224 - £80,025	11.6%
£80,026 to any higher amount	12.7%”,

(**a**) S.S.I. 2015/94.
(**b**) Regulation 30 was amended by S.S.I. 2016/97, S.S.I. 2017/28, S.S.I. 2017/433, S.S.I. 2019/46, S.S.I. 2020/30, S.S.I. 2021/102, S.S.I. 2022/117, S.S.I. 2024/272 and S.S.I. 2025/259.

(b) after paragraph (3C), insert—

"(3D) Where paragraph 2A or 3 of Schedule 9 applies, M's contribution rate from 1 April 2026 is the percentage specified in column 2 of table 3 below in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall.

Table 3

Column 1 Pensionable earnings band	*Column 2 Contribution percentage rate*
Up to £13,330	5.7%
£13,331 - £28,987	6.4%
£28,988 - £34,302	7.0%
£34,303 - £43,038	8.7%
£43,039 - £45,134	9.8%
£45,135 - £54,862	10.5%
£54,863 - £59,369	11.2%
£59,370 - £83,026	11.6%
£83,027 to any higher amount	12.7%".

Amendment of regulation 31

12. In regulation 31 (members' contributions: practitioners and non-GP providers)(**a**)—

(a) after paragraph (3)(k), insert—

"(l) for the scheme year 2026/27 is the percentage specified in column 2 of Table 12 in paragraph (9) in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall.",

(b) in paragraph (9), after Table 11 insert—

"Table 12

Column 1 Pensionable earnings band	*Column 2 Contribution percentage rate*
Up to £13,330	5.7%
£13,331 - £27,940	6.4%
£27,941 - £33,062	7.0%
£33,063 - £41,482	8.7%
£41,483 - £43,502	9.8%
£43,503 - £52,879	10.5%
£52,880 - £57,223	11.2%

(**a**) Regulation 31 was amended by S.S.I. 2016/97, S.S.I. 2017/28, S.S.I. 2017/433, S.S.I. 2019/46, S.S.I. 2020/30, S.S.I. 2021/102, S.S.I. 2022/117, S.S.I. 2024/272 and S.S.I. 2025/259.

Column 1 Pensionable earnings band	*Column 2 Contribution percentage rate*
£57,224 - £80,025	11.6%
£80,026 to any higher amount	12.7%”.

New regulation 31A

13. After regulation 31 (members’ contributions: practitioners and non-GP providers) insert—

“Underpaid members’ contributions: practitioners and non-GP providers

31A.—(1) This regulation applies to a deferred member or a pensioner member (M) who belonged to group D in regulation 27(1) while they were an active member if during the scheme years 2015/16 to 2024/25 the amount of members’ contributions made by M to this scheme was in any of those scheme years less than the amount of members’ contributions due under regulation 31.

(2) M must pay to this scheme an amount equal to the difference between the members’ contributions made to the scheme and the members’ contributions due to the scheme (the “underpaid practitioner contributions”), after deduction of any amount (the “contribution deduction”) calculated under paragraph (3) of this regulation.

(3) The contribution deduction must be calculated on the advice of the Scheme Actuary and must be equal to the amount of tax relief on the underpaid practitioner contributions to which M would have been entitled if the underpaid practitioner contributions had been paid at the time M paid members’ contributions in respect of any of the scheme years referred to in paragraph (1) of this regulation.

(4) The rate of tax relief which must be applied for the purposes of paragraph (3) is—

(a) where M establishes, with such supporting evidence as the Scottish Ministers may reasonably require, that the rate of tax relief which would have applied to M at the time M paid members’ contributions in respect of any scheme year in respect of which underpaid members’ contributions are due is a higher tax rate, that higher tax rate, or

(b) in any other case, the basic rate of tax that would have applied to M at the time M paid members’ contributions in respect of any scheme year in respect of which underpaid members’ contributions are due.

(5) In order to be entitled to the contribution deduction M must provide a statement to the Scottish Ministers that M will not claim tax relief in respect of the underpaid members’ contributions.”.

Amendment of regulation 32

14. In regulation 32 (contributions by employing authorities)—

(a) in paragraph (1) for “: 22.5%” substitute “determined in accordance with paragraph (1A) of this regulation”,

(b) after paragraph (1) insert—

“(1A) The Scottish Ministers must determine after consultation with the scheme actuary the employer’s standard rate.

(1B) The Scottish Ministers must notify employing authorities of the employer's standard rate and the date from which this will take effect.".

Amendment of schedule 3

15. In schedule 3 (administrative matters), in paragraph 9—

(a) in sub-paragraph (2), after "32 to 34)" insert ", return of overpaid contributions",

(b) in sub-paragraph (5), at the end insert—

"(f) in the case of an amount in respect of a return of overpaid contributions, 31 March in the scheme year following the scheme year in respect of which those contributions were overpaid.",

(c) in sub-paragraph (6)—

(i) for "or refund of contributions" substitute ", refund of contributions or return of overpaid contributions",

(ii) for "or refund," substitute ", refund or return,".

Amendment of schedule 10

16. In schedule 10 (practitioner contribution payments) in paragraph 9—

(a) in sub-paragraph (2)—

(i) after "any unpaid contributions" insert "and interest calculated in accordance with sub-paragraph (2A)",

(ii) in head (b) for "such a deduction must be to the member's advantage and is subject to the member's consent" substitute "such a deduction may only be made where the scheme manager has notified the member of an intention to do so",

(b) after sub-paragraph (2) insert—

"(2A) The interest on the amount of any unpaid contributions is calculated at the base rate on a day to day basis from 31 March in the scheme year following the scheme year in respect of which that amount should have been paid to the date of its payment and compounded with three-monthly rests.".